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## ANNOUNCEMENT

The editor is pleased to announce that he has in hand the manuscript for a Bibliography of Kansas statute law by Hon. J. C. Ruppenthal, Judge of the Twenty-third Judicial District of Kansas. This contribution will probably appear in the April issue of the Law Library Journal and will place the law library profession under a debt of gratitude to the learned author.

## AMERICAN ASSOCIATION OF LAW LIBRARIES

## PROCEEDINGS OF THE TWENTY-FOURTH ANNUAL MEETING

## FOURTH SESSION

THURSDAY, MAY 16, 1929

The meeting was called to order by the President, Mr. Schenk at 2:30 P.M.

Before taking up the formal order of business, Mr. Glasier announced that the scheduled joint banquet with the National Association of State Libraries would not be held. After an informal discussion he volunteered to make arrangements for an informal dinner. Later in the afternoon, he announced that this dinner would be held at the Huguenot at 7:00 P.M.

Mr. Schenk then called for the report of the Committee on Loose Leaf Services, Mr. John T. Vance, Chairman.

*Mr. Vance:* Mr. President and fellow members of the Association. I should like to say by way of explanation that as Chairman of this committee I have assumed the privilege of a chairman and have ordered one of the members of the committee to prepare the report which I am about to read. Miss Jack has gathered the data and put it in its final form, with the assistance of one of the members of our staff, Mr. Hoagland, who is not a member of our Association, but is very much interested in the subject. We have also had some assistance from Mr. Bell of the United States Daily and several members of the Internal Revenue Bureau and of the Board of Tax Appeals. This report concerns the possibility of speeding up several of the Government activities to compete with the Commerce Clearing House and Prentice-Hall services. Is Miss Lyon here? I am sorry she is not because she led the round table which led to the appointment of this committee and I feel that honor is due to her in large part for the carrying on of this work. The Federal services referred to are the Federal tax, Income Tax and the Board of Tax Appeals. It is a case of the governmental tax agencies against Commerce Clearing House and Prentice-Hall.

*Mr. Vance* then read the report. (See p. 15.)

*Mr. Vance:* The only thing that I have to add would be that if the law librarians are sufficiently interested to have these daily mimeographed decisions, I should think that some arrangement might be made whereby they could be gathered; in other words a cooperative proposition could be entered into. They could be gathered and mailed out from Washington, I should think, just as the Commerce Clearing House and Prentice-Hall people have their clerk there. Perhaps the same clerk might be willing to do that. It would not be much trouble to mail out 100 or so mimeographed decisions every day. Thank you, Mr. President.

*Mr. Schenk:* I am sure we have been mighty interested to hear this report of the committee, and unless I hear objection it will be recorded that the committee report has been made and accepted. It seems to me that this committee is doing valuable work, and with your permission I shall have the records show that the committee shall continue and report another year. Possibly some sug-

gestions may be made by the members of the Association and by other sources which will again bring the matter before the proper people. This committee has done a very definite piece of work. They have brought it to the attention of the people who should know about it, who should know that there is an association that is very much concerned with the reports and the necessity of having prompt issuance for the benefit of the law librarians. You see no objection to continuing the committee, do you? Does the Association so desire? The records will show that the committee is continued. Perhaps we had better have you see some of the mimeographed Treasury Decisions.

*Mr. Mettee:* Is there an index to those?

*Mr. Schenk:* I do not know. It seems that the index is always in the bulletin. These will be distributed in a few moments. Apparently there has been no criticism in this report of the various services. It seems that the government service is almost as up to date as the other loose leaf services.

*Mr. Vance:* I think that two weeks at the latest is rather good service.

*Mr. Schenk:* It is a question of distribution, is it not?

*Mr. Vance:* It is a matter of getting daily reports. The only way to accelerate the service is to put the Tax Appeals Decisions on current service and that could be done within a week. And as to daily mimeographed sheets, I think that could be arranged. Perhaps the committee could take care of that.

*Mr. Schenk:* I think a service might be started right here in Washington. Some employee might take it upon himself to collect these things and distribute them. I fear we will not have the next committee report unless it has been sent in. We have a telegram from Mr. Small. He wrote some time ago that he might not have a report. This is an answer to the telegram sent yesterday.

Mrs. Clark then read the telegram.\*

*Mr. Schenk:* We are very sorry indeed that Mr. Small is not with us. I have always had the greatest admiration for Mr. Small. He is a real diplomat and knows how to get out of a situation which might be rather trying for many of us. The next committee report is the report of the Committee on Memorials in Court Reports by Dr. Wire.

*Dr. Wire* then read the report. (See p. 20.)

*Mr. Mettee:* Are you simply going through the reports?

*Dr. Wire:* I explained in my last report that we go through the reports and take those listed in front and in the back.

*Mr. Mettee:* I have been through all that and would be glad to present it to you if you will have it printed.

*Dr. Wire:* We would be glad to. These states have not been done: Alabama, Arkansas, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Montana, Nevada, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, Pennsylvania, South Dakota, Utah, West Virginia, and Wyoming. I would be glad to have any of the members volunteer to do them.

*Miss Thornton:* Mr. Chairman, may I state that for the Georgia reports there is a list through volume 120 Georgia Reports. The State librarian has compiled those from 121 to 166 Georgia, also through 1 to 38 Court of Appeals

\* The Secretary, after the meetings, received a letter from Mr. Small, reporting progress.

and the list is cumulative, including those in the volumes mentioned. It is my purpose to issue those in the State librarian's report which will go to press within a few weeks, and I hope to have it also printed in the Georgia Bar Association Journal.

*Mr. Schenk*: May I question the advisability of doing some of the memorials? Are they not in the early volumes of Jones' Index? I think they are in the first two volumes unless I am greatly mistaken. Is it advisable to duplicate that work?

*Mr. Mettee*: I would like to have a book printed and then have a supplement to keep it up to date.

*Mr. Klapp*: I have finished Minnesota.

*Mrs. Klingelsmith*: I will be glad to do Pennsylvania.

*Mr. Hewitt*: I wish to know the extent of this work. I understand that it is confined to the State reports, that it will not include various law journals, for instance, any county histories. As to the new edition of Robert's Digest, by Mr. Wright, who was State reporter of Pennsylvania for a time, there is an interesting account of Mr. Wright in the history of some county in North Eastern Pennsylvania.

*Mr. Mettee*: What are you going to do, sell it?

*Dr. Wire*: They are done and sent to the State Bar Associations and appear in their reports. We send our work to them and impress upon their mind that it is ready to print. I did all the New England States and printed them and have brought them down to date so they are all disposed of. I have indexed them for the United States Supreme Court reports. On the last page of my report I spoke about State Bar Association reports. I would like to do them myself if I live long enough. Are there any more States to be heard from?

*Miss Magee*: I will do Louisiana.

*Dr. Wire*: Any more in this good work? That will help a lot.

*Mr. Hewitt*: This work I think will reach its limits as to the state reports. I think that the people of the American Law Libraries Association will then wish to consider whether they may not next go to the different accounts of lawyers and writers in various books not state reports. Take Huston's Land Titles in Pennsylvania. It is a long account by Judge Huston of the Supreme Court of Pennsylvania in the early days. It is extremely interesting. As a young man he travelled through Pennsylvania examining land titles in different county seats. He had to give it up. He always wanted to write up the land title law of Pennsylvania and in his old age he did so. As he was working one morning he woke up to find that he was practically blind. That stopped that work. He had amazing luck and in two years or so he got his sight back again and his work has been published. It is exceedingly interesting. I believe there are these reports throughout the states which are not in the state reports but which are exceedingly interesting. I think the time will come when it would be nice to gather up those reports and index them. I am not mentioning them for present work.

*Mr. Schenk*: Mr. Hewitt has in mind biographies of various people; the committee has in mind memorials. An extension could very well be made. The thought occurs to me that even if these memorials are printed in the Bar Asso-



ciation reports there should be a bibliography of the place where they are printed. The people who prepare them should keep that in mind. No doubt some person will be glad to put a notice in the Journal as to reports. I see now that we have exceeded our schedule a little bit, probably due to the left turns here in Washington. You cannot keep traffic working very rapidly. We will have to divide up into two sections, one to discuss the problems of law school libraries, in charge of Mr. Hogan, and the other to be in charge of Mr. Feazel who will take charge of the round table on the problems of the bar association and county law libraries. Many of us would like to be in both sessions but that is physically impossible. We will now divide up.

*Mr. Feazel:* Could we not have this altogether? The greater portion of this gathering would be more interested in the law school round table than in the association part. I can see representatives of only six association libraries present. I suggest that you go ahead with the other round table in this room and if we have time afterwards we will do our part.

*Mr. Schenk:* At these round tables some of these people are afraid to pipe up. Is it the wish of the Association to hold first a session in regard to law school problems and then bring up the question of bar association libraries if we have time? A motion has been made. Any objection? Mr. Hogan, will you please take charge.

*Mr. Hogan:* Inasmuch as we have already run over a little more than the allotted time, with your permission we will change the order of the questions a little and the first one will be the classification and arrangement of a law library. Mrs. Graves will begin the discussion.

*Mrs. Graves:* I am really anxious to know how many are arranging their books according to subjects. Some little time ago I tried it and in a little while we found subjects overlapping and so we got the books back on the shelves according to authors. Recently a West Virginia professor told me that they did use books arranged according to subjects. I wanted to know how many here were doing that and if they did find it practical.

*Mrs. Klingelsmith:* We divide our textbooks into subjects. We are a classified library. I have had a long experience and we used to have that question up very frequently, but I think by a large majority the decision goes to the author method. In a large library it is physically impossible. The professor cannot step around and take books off the shelves. He has to have every kind of matter we have in the library. Therefore it seems to me that if our treatises are placed in any way that we choose and then properly classified in a subject catalog, then you can get them for your professor or student. It seems to me that that is the way to get material and get it quickly. No professor or student can get the books as easily as the librarian.

*Mrs. Graves:* I am glad to hear from a person who has had such long experience.

*Miss Kirschner:* Our library has about 10,000 books and we use classification, the classification which Dr. Wire worked out, and we believe we could not get along without the textbooks classified.

*Miss Moylan:* I think there may be a difference in the use of libraries. It has been my experience in law school library work that you are almost always

asked for books by the author's name. You have your subject catalog for other purposes.

*Miss Kirschner*: We also have a great many textbooks. If some particular book is not in, we can refer them to many books on the same subject. Our lawyers and judges like our arrangement very much.

*Mrs. Klingelsmith*: Every library should be able to bring everything to a person that he wants. The physical arrangement becomes more and more difficult and you will depend more and more on subject cataloging. Having subject cataloging you can get all books on the subject.

*Miss Kirschner*: We do not let people depend on cataloging. We have a public and private catalog. The public is arranged as a dictionary catalog. The private is simply an author catalog. They can go to the catalog if they want but they seldom do. They come to the desk and we bring them the latest books first, and if they are not satisfied we bring in a number of books in a short time.

*Mr. Mettee*: How many use the library?

*Miss Kirschner*: We have 16 tables. They are rarely all in use.

*Mr. Mettee*: You will have a subject index on your table or a card system when you have a larger library.

*Dr. Wire*: County libraries will never get as much money as is needed for a large library. A law school should have its own library and go there. We do not ask any one to go to the catalog. Everyone says they do not get such service anywhere else. We put the books on the table for the lawyers and judges. We have to take care of the Chief Justice of the Supreme Judicial Court of Massachusetts and if we take care of him properly, we don't care about the rest of the world.

*Mr. Schenk*: Perhaps some of us remember the discussion which occurred in the Law Library Journal in Volume I and Dr. Wire wrote the article for subject classification of textbooks. At that time I was a firm believer in the author arrangement. It is now in use in my library. I am becoming convinced it is wrong. I think in a university law library you have to come to some classified arrangement of textbooks. While our library is primarily for the law students, it must be used for the benefit of the research worker. I am here to learn about subject arrangement because I do feel that the author arrangement is unsatisfactory to the new generation of law teachers. I did not notice the subject arrangement of textbooks in Morgantown. I do feel that the new professors have not as large a library of their own as the older professor has. Our classified arrangement is very minute but I do feel that the material on Contracts should be classified together. We do that in a measure by taking books out and reserving them.

*Mr. Hogan*: I think there is one point of administration involved. That is in the case of the small library dependent on student help. They do not know library methods. That is one obstacle in the way of a classification by subjects in the small library.

*Mr. Schenk*: I have been a victim of student help for 25 or more years. That is a great mistake in a law school library. It is the most expensive thing they can do. They pay \$10,000 a year to the professor and then expect a 50c

or 25c an hour man to hand out the books. The professor's time could be saved by adequate and proper assistance.

*Miss Campbell:* I am very new in this field of law library work but I am glad to hear Mr. Schenk say he is in favor of subject arrangement.

*Mr. Schenk:* I don't want to be quoted that way. I think the author arrangement is not sufficient.

*Miss Campbell:* Law libraries have lost sight of the fact that other libraries have some problems and that they met them by classification. Subject arrangement would seem to be best where research work is to be done. It is the research worker who wants books on one subject and on related subjects together. In time law libraries are going to find that the classified arrangement is better. If the Library of Congress ever makes the K classification, I believe our problems will be solved.

*Mr. Vance:* It seems to me that there is something to be said for the author arrangement. Mr. Schenk says his objection is that it is not altogether satisfactory. No system of classification is altogether satisfactory. Even the Library of Congress classification of general literature has its defects. It is quite different, it seems to me, with law material. Law books,—the reports, the session laws, codes, compilations, statutes, etc., are naturally classified. As a rule you do not find law texts having some subject that is not clear. They usually say it is Clark on Corporations or Cook on Corporations, the subject is on the outside of the book as a rule and the subject catalog is a much simpler way of solving the difficulties as far as I can see than taking the texts and trying to place those together that are on the same subject because they overlap so much. I would be interested to know how you meet that question in the Worcester Library. Classification does not necessarily mean scientific classification. A shelf arrangement might be classification. Take the Library of Congress classification. In many instances you can see that it is merely an arbitrary arrangement of the books. It is not based on scientific classification. It has to be elastic. I saw a great many libraries in Europe last year, especially in England. Only the Solicitor's library of Edinburgh was classified as to subject. It was small. I asked the librarian why he did it. He said he did not have much to do and he just did it. He said it was not altogether satisfactory. I have an open mind on the question and would like to do anything except undertake the job of classifying.

*Mr. Hewitt:* I simply want to emphasize something Mr. Schenk said. There is a journal called the Law Library Journal. It is a very able work and they would like subscribers, so if all those who do not have Volume I of that journal would subscribe, it would make a nice little addition to the treasury of the American Association of Law Libraries and they would find this subject discussed therein pro and con.

*Mr. Schenk:* A part of Volume I is out of print and impossible to get. That discussion is 20 years old. May I add something? We have a library school at the University of Chicago. We have a young lady from Yale, another who was a teacher at Wisconsin. They are capable women who have made librarianship their life work. Mr. Hanson asked them while he was down in New York to prepare an outline on classification. They came to me. I began

to wonder whether we were right or wrong. Those people have brought a new point into my thought, and I feel the point should be raised whether there should be a topical arrangement of textbooks or an alphabetical arrangement. It seems to me there is a possibility of a topical arrangement where the subjects would fall in their related subjects. I think if a committee of this Association were revived to take up with Mr. Martell the K classification, which is the Library of Congress classification related to law, it would be a good thing. Many years ago we had a committee with Mr. Poole as chairman and we made quite an advance on the subject. In Volume I they talk about classification of law libraries. They are only talking about textbooks. The question of classification of textbooks on the shelves from the standpoint of your school libraries may be advanced. I am taking up too much time.

*Mr. Mettee:* The only trouble is the cost. In law libraries we are very busy. I really think the Library of Congress is right in taking international law and constitutional law and separating them.

*Mr. Hewitt:* That is the very thing we do. Other libraries can do what they please.

*Mr. Daley:* A young lady who presided in our library is a member of the bar. She decided on the subject classification. Later on when she resigned to resume her practice, another young lady was appointed and she preferred the author system. So we have reverted back to that. I would like to have the best methods discussed.

*Mr. Kearney:* I have had a little experience which may be interesting. A very long experience in the Law Library of Congress convinced me that their arrangement was entirely satisfactory. Then I went to the Department of Justice where they had broken up the arrangement, and it was found better to get back to the author arrangement for strictly textbooks. This organization is on record for having threshed that out thoroughly. I believe they were right in deciding that the author arrangement of law textbooks is the best arrangement. That is my experience and I have had full thirty years experience, more than ten years in the Law Library of Congress and twenty in the Department of Justice, both big libraries.

*Mr. Hogan:* Are there any other comments before we pass to the next subject for discussion. Mrs. Graves, do you think this is enough?

*Mrs. Graves:* Yes I do.

*Mr. Hogan:* The next subject is "The Student Assistant."

Miss Compton then read her paper. (See p. 24.) She then said: If the work is to be purely routine duties, I see no reason why a first class student should not give his time to it. I do not think that it is always the man who makes the highest grades who has the most workable knowledge of law books in general. I think it takes a feeling for reference books. He must have power to analyze a question quickly. When freshmen come in they have no knowledge of legal terms. They need encouragement, instruction, etc. A man who is making an effort to make all A grades is a little less inclined to reach out and help and a little more ready to sit still over his books. I would be glad to hear from those who have had a longer experience.

*Mr. Hogan:* Mr. Schenk, have you something to say?



*Mr. Schenk:* I verily believe it is a mistake for a law school library to have student assistants even at slack times. I believe a law school library should have the best person possible at the desk. My thought years ago was that the best person in our reading room should be at least an assistant professor. Our students are becoming lawyers and the law school should train them in the use of the library. Student assistants do not even earn their salary.

*Mr. Mettee:* And they will quit you short to keep other engagements.

*Mr. Schenk:* Under our system that has happened, but it cannot happen now.

*Miss Moylan:* Is it not rather a practical matter? To get someone of the type we need, you would have to pay a good salary and most law schools keep salaries down to the minimum. You can get three students and only two others.

*Mr. Schenk:* I admit that. Look at Harvard. One man has been there for 43 years. Mr. Chapin was at the university of Michigan for years. They had good service but when he died and students were employed the service got bad. One of the mistakes of our library has been that we saved pennies and the dollars slipped by.

*Miss Compton:* If you have a small library and have not the money to get better help, I would like to hear from someone who has tried spending more of the librarian's time at the desk.

*Mr. Hogan:* That is one of the main points in the problem. Lots of the law schools are in the same boat. They only have \$300 or \$400 and we have the students and we have to make use of them. Mr. Willever, can you tell us what you do at Cornell?

*Mr. Willever:* It is all student help and I can only say "Amen" to what our friend has just said. It is trouble all the time, watching and waiting.

*Mr. Vance:* Do the librarians have the selection of these students or are they pushed on them?

*Mr. Hogan:* It is generally a case of selection made by the librarian plus the dean of the law school, with a view to the scholarship standing of the applicant.

*Miss Compton:* The dean makes the selection and asks me if it is agreeable to me. There has only been one case where I found it impossible but my disagreement did not have any effect.

*Miss Moylan:* I do it the way you do it, Mr. Hogan.

*Mr. Vance:* Several universities in town here use student help and I can sympathize with Mr. Schenk on the feature that he called attention to, where the books disappear, such popular books as quizzers. But contrary to the impression gained from that remark we found that they disappear through the other students, those who do not work in the library or have any right to use the library, and our own student helpers of whom we have three or four are compelled to do without books because they have been taken away by clerks in some Congressman's office. But is it not a question of selection? We have had trouble with law students at the Law Library in the Library of Congress. On the other hand, some very fine service has come from law students. Many have been able to study their profession, graduate, be admitted to the bar and practice. I know one who is doing very well. It seems to me that a general rule of depriving students of the means to earn their way through college, espe-

cially those studying law, and of depriving them of that familiarity with the tools of their profession which they learn in the Law Library would be unfair. Our own president of the United States was a student helper and that may have contributed to Mr. Hoover's success in life. I do not believe that we should lay down any rule as to depriving all libraries of student help.

*Mr. Schenk:* I am not condemning all student help. For years students were handed to me. Later I selected them. And they know if they cut, their job is at an end. Law librarians have been held up to ridicule because of certain things which happen, and I do believe it is because of the attitude of the student help. I think I can go into any law school library at most any time of the day and I will find the attendant studying at the desk. Does anyone know a place where that is not true? Their job at the desk seems to be for them to study. A professor at Morgantown will tell you that he got all his cases while he was a night attendant at the University of Chicago library. Many will tell you the same thing. They are exceptionally good men who were my student assistants, but the system is wrong if you are going to require the highest results from the law library. The attendant should aid other students in finding material they need.

*Mr. Mettee:* I think you will find that right after the War the type of young fellow was different from today. They are getting much better.

*Mr. Hogan:* Has anyone else anything to say about the student assistant? If not, we will proceed to the next subject, the use of the law library by special groups, including the use and supervision of special collections.

We are all troubled with the teacher who insists on getting a collection of 300 or 400 volumes in his office and keeps them there, particularly books which he cites to students and which the students really need. It is an acute question in the small libraries. It is not only a hardship on the attendant who has to go around to try and find the books. That is one problem which is very acute in our own library in the last few years, and I would like to be enlightened on it.

*Dr. Wire:* Have you no system of charging books?

*Mr. Hogan:* The law professor will go in and pick up the books. I try to keep a record. But it is impossible to make them live up to that regulation.

*Mr. Vance:* How about dealings with the dean. I think that any rules the dean might suggest would work for a while. I think it would gradually wear out. The temptation is too great where the professor has an office opening on to the stacks.

*Mr. Schenk:* Is there any librarian here in charge of a law library where they do charge books to the faculty?

*Mrs. Klingelsmith:* Everything is concentrated at one desk in my library. When we see a professor going out with a book, if he does not turn in a slip, he is asked to let the assistant take the record. I do not say that a professor never takes a book without a record being made. Once in a while a professor takes a book home which we must record as lost. Of course the system irritates the professors at times.

*Miss Campbell:* At the University of Michigan we have cards. One of our student assistants makes a round of the offices every day and charges the books

which he finds there. That does not mean that every book is charged, because a faculty member may take a book home, but it does make a record of what each man has in his office. One end of the card says "hold" and the other end "return to the stack". The latter end is turned up when they are through with the book.

*Mr. Schenk:* At both Michigan and Pennsylvania the offices are away from the stacks.

*Mr. Willever:* If a professor after taking a book out loans it to another and he to another, this makes the problem hard.

*Miss Moylan:* Our stacks are not near the offices and our professors are good about making slips. But there are generally some teachers of law who imitate the professors and take large numbers of books and keep them.

*Mr. Hogan:* I think the point is particularly applicable to law periodicals. They are one of the things of which the moderate size law library has least.

*Miss Compton:* The difficulty is in prying them loose after a reasonable time.

*Mr. Hogan:* We will now give the floor to Mr. Feazel, if it is agreeable to him.

*Mr. Feazel:* One reason for suggesting the advisability of this round table is the fact that every month or two we of the association libraries receive questionnaires from other association libraries asking about the problems that are troubling them. Recently the principal trouble seems to be in making their revenues reach, in view of the increased cost due largely to a larger number of publications, the higher prices of the publications, and the advent of looseleaf services. Some of these problems of making a revenue reach are also connected with the management of the libraries aside from the caring for and the use of the material in the library. Whether the librarian of an association library wishes it or not, he is bound to be an important factor in determining many of the things which come out in these discussions. That is the basis upon which the annual charges to members should be made and whether special inducement should be offered to student members and the younger practitioners. I am not at all certain that we are going to cover all of the four topics which were mentioned in the program, and I am going to ask for discussion first upon the basis upon which the annual charge to the members should be made. Of course, all the librarians are anxious to have the libraries of the greatest possible service to the courts and to the legal profession. We are also anxious to get the most revenue possible and I am going to ask Mr. Poole to lead in the discussion of that problem.

*Mr. Poole:* Mr. Feazel has asked me to lead in the discussion of the subtopic, "What Should Be the Basis of the Annual Charges or Dues to be Paid by the Members".

Lawyers are public officers performing important public service. Adequate facilities for an able and scholarly profession are essential and wherever not provided by the state, county or municipal governments, should be provided by the lawyers themselves.

The nature of the facilities will depend chiefly on the interest taken in the profession by its members. Experience has demonstrated that a strongly organized bar is the best method to arouse and maintain that interest.

The interest in the profession, the esprit de corps, is therefore, in the last analysis, the basis for the annual charge. The legal profession, looking to its own interest, should amply support its library as well as its other activities, and if the library is owned or controlled by the bar association, there is concentration of effort, a pride of possession, which cannot fail to be reflected in the amount of funds made available for the purchase of books, the service rendered the readers and the administration and care of the library and its quarters.

The activities of a bar association may be numerous and important, but it is often noticeable that there is a tendency to give chief consideration to its library. In fact the dues charged the members are frequently on the basis of the probable use made of its library. Sliding scales of dues have been adopted, based partly on place of residence and office. Other considerations have provided a minimum rate for the younger members of the bar.

It might be proper to make a charge for the use of the library by members' clerks, also special charges for its use by law school undergraduates and by laymen.

The librarians themselves should bear in mind that the character of the library itself and of its administration will have great importance in controlling the amount of dues which can be charged.

*Mr. Hewitt:* The Allegheny County Law Library is really a public library.

*Mr. Poole:* Do they receive some consideration from public funds?

*Mr. Hewitt:* I think that revenue goes to pay a special assistant.

*Mr. Stebbins:* Do you live up to stringent rules as to clerks?

*Mr. Poole:* Yes. It was thought in our case that we would not have to charge special dues for clerks. There have never been more than eight or nine clerks at one time. The use is restricted up to one o'clock and not granted on Sundays or legal holidays.

*Mr. Stebbins:* Is there much kicking from the members about having to sign a card each time a member sends a clerk?

*Mr. Poole:* No.

*Mr. Mettee:* We let all the clerks come in first in the afternoon and then all day free. That went on for 20 or 25 years. Then we had trouble and let law students come in free but charged the clerks \$10. But they would come as students but not as clerks. We then said \$12 all alike, and then \$16. A student employed in an office must sign an application blank and pay \$16. We have had no trouble.

*Mr. Klapp:* Do the assistants have to be admitted attorneys?

*Mr. Poole:* He has to be a clerk. The member must certify he is his clerk.

*Mrs. Clark:* Clerks in New York may be admitted or not admitted according to the state law.

*Mr. Klapp:* A clerk who has been admitted may be practicing on his own. If he is working up his own practice he ought to pay.

*Mrs. Clark:* That would come under what the member allowed the clerk to do.

*Mr. Klapp:* How would you know what the clerk was doing?

*Mrs. Clark:* That would be up to the member. He is responsible.

*Mr. Poole:* If the clerk destroys a book the member is responsible.



*Mr. Mettee:* But you would have to catch him in an overt act.

*Mr. Poole:* Yes. If a clerk was unruly we would inform the member that he was not permitted to introduce that clerk again.

*Mr. Mettee:* That is a good remedy.

*Mr. Klapp:* I found that charging students the same as the clerk is a good thing. The student who pays behaves much better than the student who does not pay. The attendance of students, of course, dropped off. They can go to any part of the library at some hours.

*Mr. Mettee:* I was glad to have the pay from the students. That tided me over.

*Mr. Poole:* That leads to another thought. Occasionally there are ambitious laymen who have no intention of becoming lawyers but perhaps somebody's sister wants to get a divorce and the brother or uncle is anxious to read up on divorce law. They ought to be charged.

*Mr. Klapp:* The only question which comes in there is that if your library is in a courthouse you will have a fight on your hands. They say you are in a public building and there is no reason why the public should not use it. If a person comes in and wants to know about divorce law in South Dakota, give him the code but no help. The other thing you have to watch is where some person wanders in and puts up a question to you who may be checking up on some of the members. Tell him the least you can. You can tell them to use the books and you know they will not get very far.

*Mr. Poole:* Mr. Stebbins, do you have laymen come in?

*Mr. Stebbins:* Yes, a great many come in. We are the only county in the state in which the library is not free but a private subscription library. We have many laymen who wish to use it because it is in the courthouse. We tell them that it is only about a three minutes walk to the State library which is a public library.

*Mr. Feazel:* I notice these different topics have run into each other in this preliminary discussion. One thing I would like to discuss here is the matter of annual charges, whether increasing your annual charges 25 or 20 per cent would in reality increase your revenue materially, or would the added cost of library membership drive enough members out so that it would not pay.

*Mr. Stebbins:* The Social Law Library in 1910 very materially increased its dues. The net income for the next year was twice as large but there was quite a cut in the number of members, about one-sixth, I believe, but in about two years they had made up that cut again and the normal increase was resumed. The loss was very temporary and there was a net increase in income from the first.

*Mr. Mettee:* We have just had our increase. It is not quite what I recommended. If you increase your dues some will drop out. Increase them again and some will drop out, but it will be the survival of the fittest.

*Mr. Hewitt:* I would like to mention a broad policy which may be in existence in all of the states of the Union for all I know. My knowledge is only as to my own state and while perhaps it is not adopted in all, I would like to mention it. It does not require discussion. In Pennsylvania the law libraries are most all of them, I suppose, in court houses. No rent is paid. Light, heat-

ing, etc. are furnished and in most of them janitor service. Under the law of Pennsylvania the libraries can come in under the law library system. Under that legislation they are entitled to one-half of the fines and forfeitures in criminal cases. It is building up the libraries in Pennsylvania and in the next generation we should have some very fine ones. The objection, I suppose, is that the bar loses control of the libraries. They are under the courts. They appoint the librarian, pay his salary and control the administration. Throughout Pennsylvania there is the free law library system and the citizen has a right to enter and get what he can. We never turn a citizen out. It is not a matter of right but we have adopted that policy. I wanted to mention it because it is an important source of revenue to those libraries who adopt it.

*Mr. Poole:* They are free libraries?

*Mr. Hewitt:* Yes. Our library is a law library in the courthouse and we are supplied with heat, etc.

*Mr. Feazel:* Do you not charge members dues?

*Mr. Hewitt:* Yes, but citizens do not often come.

*Mr. Feazel:* How can you then collect your dues? I should think everyone would take advantage of the free character of the institution.

*Mr. Hewitt:* That does not apply to members of the bar. We have no trouble that way.

*Mr. Feazel:* I think in some respects our law in Ohio is very equitable as to distributing the cost of maintaining law libraries between the membership and the public. The law library in the courthouse is a workshop and also an aid to the courts. It is right the public and the lawyers should share the expense. In our state there is a provision that where the law library association furnishes books, it is the duty of the county commissioners to furnish room, heat, etc. and pay the librarian's salary. The management remains in the control of the association but the salary is paid from public funds and the funds contributed by members can be used for the purchase of books and maintenance of the library. It works out equitably. The library performs a dual service. The public does not have access to the books, but if a layman comes in and asks for a book he is given that book but usually he does not stay very long. If a lawyer who is not a member comes in, he is told that we can only exist through the fees of members and that it is up to him to join.

*Mr. Mettee:* Some of those who come in float from city to city.

*Mr. Hewitt:* As to public officers, they have full use of our library to the extent they desire. It is unthinkable that such a library, which enjoys a public place could deny use to public officers. I want to mention that our library is a bar association library. It renders public service of inestimable importance. Take the year 1928. They went after ambulance chasers. A committee was appointed and \$15,000 was spent to sustain that work. There were a number of disbarments and it is a much purer bar in Philadelphia than it has been. The same thing is true in New York City from what I have read in the law journals. That bar association work was done through our committee and the bar associations perform a public work at various times. I think any accommodations which a city council may vote for libraries are eminently justified.

*Mr. Feazel:* Is there any further discussion on any of these four points? If not, I shall turn the control of the meeting back to Mr. Hogan.

*Mr. Hogan:* I think this concludes the afternoon's program.

*Mr. Schenk:* On closing let me remind you that the next session is at 10 o'clock tomorrow morning. Will any of you who have not registered, kindly do so now.

#### \* SPECIAL REPORT OF THE COMMITTEE ON LOOSE-LEAF PUBLICATIONS

This Report concerns the possibility and feasibility of the speeding up of certain governmental activities in order to compete with the loose-leaf services now rendered by the Commerce Clearing House and Prentice-Hall publishing houses.

The company services referred to are the Federal Tax, Income Tax, and Board of Tax Appeals, as against the Internal Revenue Bulletin, Treasury Decisions and Decisions of the Board of Tax Appeals issued by the government.

In this connection visits have been made to the Administrative Division of the Bureau of Internal Revenue, to the Board of Tax Appeals and to the Government Printing Office.

We shall first give the result of the interview with Mr. J. L. Nuber, the Chief of the Printing and Binding Section of the Administrative Division of the Bureau of Internal Revenue and with Mr. M. A. Bodenhammer, assistant to Mr. Nuber, who are responsible for the printing schedule for their office.

The Bureau of Internal Revenue issues two services—Treasury Decisions and the Internal Revenue Bulletin. The Treasury Decisions are issued first in mimeograph form every day or as often as decisions are rendered. The mimeographed copies are available to the public only at the Treasury Department. This Department does not have a mailing list for these mimeographed sheets and it is the concensus of opinion of the officials in charge that to distribute these advance sheets by mail is not feasible. They were asked whether they could consider such a mailing list for Law Libraries only, but, they stated that they would not be able to limit the list, once it were commenced and that they could not then handle it.

The Treasury Decisions are issued in printed form every week. This service may be subscribed for at the price of \$1.50 per year.

The Department also issues the Internal Revenue Bulletin Service which contains 1. Treasury Decisions (pertaining to Internal Revenue); 2. Court decisions; 3. General Counsel's Opinions, Rulings, and Decisions. This consists of weekly bulletins and semi-annual cumulative bulletins. The weekly bulletins contain the rulings and decisions to be made public and all Treasury Decisions pertaining to Internal Revenue matters. The semi-annual cumulative bulletins contain all rulings and decisions published during the previous six months. The complete Bulletin service may be obtained, on a subscription basis from the Superintendent of Documents, Government Printing Office, Washington, D. C., for \$2.00 per year.

\* Read by Mr. Vance, Thursday, May 16, 1929. See Proceedings, p. 2.

The Treasury Department also issues a monthly magazine called *Internal Revenue News*. The subscription price is 50 cents a year. The contents of this publication are written by employees of the Internal Revenue Service, and statements as to the character and general effect of decisions and rulings are published as comments only, and are not to be regarded as having the force and effect of a Treasury Decision or other official ruling.

In regard to speeding up the issuance of this Governmental service the following considerations appear to make this impracticable and in some respects impossible:

1. The cost of giving a daily service in competition with private firms is excessive. It would necessitate a separate corps of workers.

2. It would be actually physically impossible for the Government Printing Office to do the work without considerable enlargement of the plant and personnel.

The government officials in charge of this work realize the desirability of issuing the material just as soon as possible. They stated that they had been and are considering means of expediting the service. They have even considered the practicability of a loose-leaf service. At the present time the *Internal Revenue Bulletin* is run on the following schedule:

1. Copy goes to the Government Printing Office on Tuesday.

2. Proof is returned Thursday morning.

3. Proof must be back at the Government Printing Office not later than Friday.

4. Delivery of printed copies made on Saturday.

Under this schedule the longest interval between the rendering of the decision and the time it is mailed to subscribers is eight days. Mr. Nuber stated that during these eight days duplicate proofs must be sent to four or five offices in different buildings and must be returned to their office O.K.'d before they can be returned to the Government Printing Office; that sometimes rulings are in type and ready to be published when additional copy, which affects the matter in type, is sent to them. He thought that one solution might be a special Printing Office in the Treasury, but the one formerly there was withdrawn on the basis of economy.

Another suggestion offered by one of the assistants in the Office was the withholding of material for public distribution until issued by the Government Printer, but this is seemingly not practicable.

The *Internal Revenue Bulletin Service* is more complete than the commercial services. The latter condense and digest the material. Decisions in the General Counsel's Office are not made public until they appear in the *Internal Revenue Bulletin*, consequently so far as these decisions and rulings go, government service surpasses commercial services in point of time.

The other government agency issuing a tax service is the Board of Tax Appeals. Mr. Robert C. Tracy, Secretary of the Board, was interviewed and made the following statements: The Board issues daily decisions in mimeographed form. These advance sheets are available at the office of the Board of Tax Appeals in the Earl Building, but are not mailed to subscribers.

The decisions are printed in pamphlet form and issued every two weeks. The price of this service is \$1.50 per volume. Bound volumes with table of



cases and index are obtainable for \$2.00 per volume in addition to cost of bi-weekly service.

Mr. Tracy stated that he has previously asked for an extra appropriation in order to bring up to date the binding of the pamphlet issues, but, it was not granted. There, too, the lack of funds and additional assistants would stand in the way of speedier printing.

We noted this difference, however, between the method of printing the Treasury Decisions and Internal Revenue Bulletins and that of the Tax Appeals decisions; the Treasury publications are on a regular schedule at the Government Printing Office, while the Tax Appeals do not maintain a regular schedule, due to lack of funds, apparently.

In an interview with Captain Moorehead, Production Manager, at the Government Printing Office, he suggested that if the issuing office would confer with Mr. Mitchell, the Chief of the Planning Branch of the Government Printing Office, perhaps some revision of schedule for printing might be arrived at. He stated, however, that on that day they had 6,004 different projects on hand for printing, and we counted 39 projects which are on what is known as a current schedule which is publicly posted. When a new current project is added, it must take its place following these 39 already scheduled.

Mr. Long, the Washington representative for the Commerce Clearing House, gave the following statement as to their methods: The Commerce Clearing House obtains its material direct from the government agency which issues it. The Revenue Acts are obtained from the Document Room at the Capitol. Regulations are obtained from the Office of the Commission of Internal Revenue. The Weekly Internal Revenue Bulletin and all Treasury releases from the Bureau of Internal Revenue are obtained from Mr. Nichols, the head of the Information Division in the Treasury, Room 236½, Main Treasury Building. These releases include Treasury Decisions, collectors mimeographs (rulings of Commissioner for collecting taxes) and other miscellaneous information in mimeograph form. In each case a personal call must be made to pick up these publications. They are placed on shelves in the respective government offices for the use of the general public.

Decisions of the Federal courts are secured directly from the courts, through correspondence with the clerk of the court or some law firm located at place court sits. There is sometimes a delay of two or three weeks on this service owing to distance from the printing company.

In the case of the Board of Tax Appeals the Commerce Clearing House has a representative at the headquarters of the Board. This person obtains mimeographed copies of the decisions as they are handed down each day, digests the petitions filed and secures also a daily calendar of the cases. The full decisions appear in print within ten days.

In very important cases the material secured today may appear in print tomorrow in the form of a Special News Letter which is also sent to subscribers. In general any material coming out up to Tuesday appears in that week's mailing to subscribers of their service.

After an interview with these various officials of the Government, who were men of ability and experience, and most generous and kind in placing all neces-

sary information at our disposal, and after a consideration of both sides of the question, we have reached the conclusion that the Treasury is doing wonderful work in being able to print its Decisions and Bulletins in so short a time.

It would seem, however, as we have previously stated, that the time could be lessened, within which the pamphlets of the Board of Tax Appeals are issued, by placing them on what is known as the "current schedule" at the Government Printing Office, and by this means secure a weekly output.

After all even a weekly schedule cannot compete with the daily service of these private enterprises. We were surprised to find so little difference in the weekly services, of the Commerce Clearing House and Treasury.

We have been wondering to what extent the Law Libraries are using the United States Daily. We have consulted with Mr. Samuel Bell of that paper concerning the service which they give in this regard and he has furnished us a very clear statement as to the daily content of their newspaper. The report of Mr. Bell is as follows:

"The United States Daily *regularly* prints all decisions relating to taxation that are rendered by:

The Supreme Court of the United States.

United States Circuit Courts of Appeals.

United States District Courts (when such are written.)

United States Board of Tax Appeals. (We print the text of all decisions involving new principles, and the syllabi of all.)

Court of Appeals of the District of Columbia.

And, in addition, it *regularly* prints all matter from the Bureau of Internal Revenue which is officially made public. By that, I mean that we use none of the so-called "unpublished" or advisory opinions given to particular taxpayers unless those have been adopted by the Bureau and made public by it. To print those would be to mislead other taxpayers frequently, because facts differ in each case.

The Bureau matter includes:

Treasury Decisions.

Memorandum Opinions of the General Counsel.

Opinions and rulings by the Income Tax Unit.

Opinions and rulings by the Estate Tax Unit.

Opinions and rulings by the Miscellaneous Tax Unit.

Opinions and rulings relating to tobacco and oleomargarine taxes, which takes in also administrative matter relating to packing, distribution and retail sales.

Further, we are supplied with and print *regularly* all matter of interest, excepting personnel items, carried in the monthly organ of the Bureau of Internal Revenue and known as the Internal Revenue News. These articles treat of special phases of taxation; all have been written by the Bureau specialists and are printed under the signature of the writer.

From time to time, also we print instructions by the Commissioner of Internal Revenue to Internal Revenue Collectors and Agents in Charge. Such material is irregular in time or release and it is referred to here in the above fashion for that reason.

The Daily's Treasury correspondent also is present at all press conferences with the Secretary, Under Secretary or the Assistant Secretary who has direct supervision over the Bureau of Internal Revenue. He is constantly in touch with the General Counsel, the Legislative Assistant to the Secretary (the man who really drafts the tax laws and who always presents the Treasury's views to the proper Congressional Committees when technical details are under consideration), the Commissioner of Internal Revenue, the Commissioner's Assistant and the Deputy Commissioners, and has intimate contact with the division chiefs whose work is that of maintaining Bureau policy and the drafting of regulations.

The Daily also prints all refunds, credits and abatements, when the Treasury makes such public. This, you will remember, has been ordered by the President. Publication started several days ago.

**Concerning our Practice:**

All decisions are printed as rapidly as space is available. None are over a month old when they appear in The Daily. My understanding is that on most occasions, they appear in the Daily well in advance of any other service. The regular legal reporting services sometimes are as much as six months late. Very frequently, federal court decisions will be rendered on the basis of an appellate court ruling "Not yet reported." It is safe to say, I think, that we are ahead of every service, devoting as we can do a full page to the publication of such tax matter every publication day.

**With particular reference to the Board of Tax Appeals:**

You have noted the italics carried at the top of the column containing the syllabi of the Board of Tax Appeals. When the decisions of the Board are made entirely on precedent, we print the *Board's* syllabus. It serves no good purpose to do otherwise for the decisions are cumulative on most points.

The practice we have followed (and strictly adhered to) is:

The Board's decisions are available usually before noon of each day. Our next morning's issue carries the syllabi of every decision rendered, together with the docket numbers thereof. A tax lawyer or accountant in very many instances will know of cases involving the same principle as a case he is studying. The Board's ruling in the other case provides him with advance knowledge as to the method he should follow; in fact, in many instances, he will be able to carry his on through and obtain a settlement within the Bureau as the situation may be, his action being determined entirely on what the Board has done with the earlier case.

We designate in our column reporting the decisions those which we will print in full text, that is, those of importance. They are printed always within a week though we have refrained from saying so at the head of the column for the reason that exigencies may arise which would throw us back a day or two. The fact is, however, that we have kept within a week.

I am informed that the other services are much slower. None of them can equal our service with respect to announcing the decision for ours is a one-day service in this. The others seem to save up decisions until they get a batch digested and then shoot out the "supplements" to their service.

Also, we print the tax calendar of the Board of Tax Appeals. This appears every Monday morning. The calendar we print contains the list of cases to be

heard during the succeeding week, that is, one week hence, so that taxpayers or their counsel can recognize what cases are coming to trial before the Board and can adjust their own courses by delay or further negotiations, etc., as stated above, for similar cases.

You are aware, of course, that when the decisions, rulings, memorandum opinions, etc. are published, we carry on the same page a digest, setting forth the principle of law involved or summarizing for the reader what has been done in the way of changes in rules and regulations. This is done that the reader may clip the digest and paste it on a standard library index card for filing as a permanent record. It provides a record to which quick reference can be had and which accurately reflects the trend of court decisions or Bureau opinion and policy on any of the many troublesome tax questions."

It would seem to us, therefore, that it would be a matter for the Law Libraries to decide as to whether or not there is sufficient demand by their patrons for the commercial loose-leaf services or as to whether they will be satisfied with subscriptions to the government publications, namely: the Treasury Decisions, the Internal Revenue Bulletin, and Board of Tax Appeals decisions and possibly the private newspaper known as the United States Daily. Some of the law libraries will undoubtedly have to supply to their patrons the three services of the Commerce Clearing House and Prentice Hall, at a cost of \$210.00 per annum in addition to the government publications. Others will doubtless be able to get along with the government publications and United States Daily.

Your Committee submits the foregoing report, fully conscious that it has been unable to solve this difficult problem for the law libraries inasmuch as it would seem impossible for the United States government to give much better service than it is now furnishing.

JOHN T. VANCE, *Chairman*

FRANCES D. LYON

OLIVE C. LATHROP

OLIVE M. JACK

#### \*REPORT OF THE COMMITTEE ON MEMORIALS OF THE BENCH AND BAR

Since the first report my committee of one has been augmented by the addition of Messrs Feazel and Small, well known to all of you. We now report as follows: of the 37 various states then listed as unreported, we have hopes or returns from the following, and these do include one or two previously reported upon.

*California.* Miss Rosamond Parma, Librarian University of California, School of Jurisprudence under date of March 11, 1929 writes: "I shall be glad to do all in my power to aid you in your work on the memorials of the Supreme Court of California."

*Kansas.* Under date of September 26, 1928 and October 9, 1928, Judge J. C. Ruppenthal of the 23rd Judicial District of Kansas writes:

\* Read by Dr. Wire, Thursday, May 16, 1929. See Proceedings, p. 3.



"I note in the recent issue of the Law Library Journal your discussion of the publication of memorial material in volumes of reports of the various supreme courts. You mention many states whose material of this kind you have found and indexed, but Kansas is not among them.

"I beg to call your attention to the prefatory pages in the volume 100 of the Kansas Reports. At pages XV and XVI you will find an alphabetical index of eighteen former justices, commissioners and reporters to whom memorial articles were published in about fifteen different volumes from 1 to 98 of the Kansas Reports. Several more articles in memoriam have been published in volumes 101 to 124 that have since been issued, but I do not have time at the present instant to name or cite these. An interesting historical sketch has been published as "A foreword" at pages iii-v of Volume 100, and the same volume gives the complete personnel of the supreme court from the organization of Kansas Territory in 1854 to date, 1917, also the court's reporters, its clerks, the state librarians and the judges of the courts of appeal during their brief existence of six years from 1895 to 1901.

"I am pleased to learn by your recent letter that the data which I sent you concerning memorials published in the Kansas Supreme Court reports reached you and is the first for this state. I am pleased that you should give so much attention to making matter like this available to the profession and others.

"I assume that Judge Moore did a thorough job in Volume 100 of Kansas Reports in detailing all material that had theretofore been published in the several volumes in addition to the reports of cases decided. It has been the custom in Kansas for many years to print in each volume of reports of the Supreme Court not only an index of the cases decided and a digest, but also to state briefly a summary of the contents of the volume and by what judges decided, etc. There is also published always a roster of the judges of both federal and state courts; also a list of all cases of the Kansas Supreme Court which have been overruled by later decisions; also a list of all cases appealed to the Supreme Court of the United States from the Supreme Court of Kansas and the action of the federal court thereon.

"As you wish to know what memorial and other material has been published in the volumes of Kansas Supreme Court reports since Volume 100, I now list the same herewith, consisting of about a dozen items. These are: List of Soldier lawyers of Kansas in the World War by counties. 106 K pp. iii-ix. Code of Professional Ethics. 107 K, 108 K, 110 K, pp. iii-ix. In Memoriam, Justice Clark Allen Smith, 109 K, pp. iii-v. Presentation by the State Bar Association of Memorial Tablet in honor of Kansas Lawyers in the World War. 109 K, pp. vi-ix. Rules of Supreme Court revised 1921, July 9. 110 K, pp. xiv-xviii. Rules adopted by State Board of Law Examiners. 110 K, pp. xix-xx. List of Attorneys admitted to the Bar (continued from 100 K.) with index of twenty previous lists published in reports. 110 K. pp. xxi-xxvi. In Memoriam, Justice Henry Freeman Mason, 124 K, pp. iii-iv. Rules of Supreme Court revised 1928, February 1. 124 K, pp. viii-xv. Rules State Board of Law Examiners, 124 K, pp. xvi-xvii. List of Attorneys admitted to the Bar (continued from

110 K.) with index to twenty previous lists published in Kansas reports from 29 K, 14 to 110 K. xvi. 124 K, xviii-xxvii.

"This completes all data so published in our reports. Volume 126, although largely issued in advance sheets, will not be bound for some time, and perhaps will not contain extra matter apart from the cases decided. However, the Judicial Council has secured detailed data of the number, nature, forum, etc., of the cases disposed of in the past year by the Supreme Court and as well the cases still pending there."

#### *Missouri*

Mr. Percy A. Hogan, Librarian of The University Law School of Missouri, Columbia, Missouri, under date of April 6, 1929, writes "Yes, I will be glad to do what I can on the Missouri Memorials, and will begin the work next week. Also I will take up the matter with the Secretary of the State Bar Association, and see what can be done toward having them included in the reports."

#### *New York*

Mr. John T. Fitzpatrick, Librarian of New York State Law Library under date of February 20, 1929, writes.

"To bring the list to date please add to the Cornell Law Quarterly article the following:

(Additional through 248 N. Y.)	
Haight, Albert.	244 N. Y. 615
Hogan, John W.	242 N. Y. 607
Parker, Alton B.	243 N. Y. 655

To have the Appellate Division to date the following should be added to Mr. Rosbrook's list:

#### (Additional through 223 Appellate Division Reports.)

Jaycox, Walter H.	219 App. Div. lxxxi
Kelly, William J.	221 App. Div. lxxi
Smith, Walter Lloyd	223 App. Div. lx"

#### *Ohio*

Mr. Gholson of Cincinnati Law Library under date of January 19, 1929 writes: "I have not forgotten my promise about the Ohio Memorials, but have not yet found the time for it. However, you must not give up all hope. Some day it will be sent you."

#### *Tennessee*

Miss Mary E. Baker, Librarian of the University of Tennessee, under date of November 26, 1928 was the very first to volunteer to do the memorials of her state as follows: "I would be pleased to have one of the library assistants undertake to index our Tennessee materials if you will be so kind as to send us samples of the form which you wish to have used. We can doubtless have her work printed in the Tennessee Law Review if the Bar Association should not care to do it." Good for Tennessee!

#### *Texas*

Our last volunteer came from Texas under date of April 14, 1929, Mr. L. K. Smoot, Librarian Supreme Court Library, Austin, Texas, writes me a very

cordial and interesting letter and sends a full list of the memorials in both the State Reports and the Court of Criminal Appeals. His letter is as follows:

"When I read your report on Memorials of the Bench and Bar, delivered before the 23rd annual meeting of the American Association of Law Libraries and published in the Law Library Journal of July, 1928, and saw that Texas was on the negative side, I decided to get busy and place it on the other side.

"As I claim a membership in the Association, I assume that your call for volunteers was equivalent to appointing me on your committee. I should have finished the work sooner but this was the year for our Legislature to convene, making my duties so heavy that I had to postpone my work on the memorials. But, at last, they are finished and inclosed herewith. I hope they will be in time for your next report.

"By way of information will say that Texas has two courts of last resort, each final in its decisions. One is the Supreme Court which is exclusively civil—the other is the Court of Criminal Appeals which is exclusively criminal. For that reason I had listed the two courts separately, although, you will notice that the same names appear on both lists, in several instances.

"I am sending a copy to the Texas Law Review, here, hoping that they will publish it in an early issue."

I will now call the roll beginning with Alabama and hope that if your own state is already done, either by yourself or someone else, you will be good enough to volunteer to do a sister state.

#### *Georgia*

Miss Ella May Thornton, Librarian Georgia State Library, reports that the memorials are indexed through Georgia 166 and Georgia App. 38. She purposes to print these in her report as state librarian, and also hopes to have them appear in the Georgia Bar Association journal.

#### *Louisiana*

Miss Alice M. Magee, Librarian State Library, New Orleans, La., volunteers for Louisiana.

#### *Maryland*

Mr. Mettee, of the Baltimore Bar Association Library, says he has the material all done and ready to be printed.

#### *Minnesota*

Mr. Klapp of the Minneapolis Bar Association Library, volunteers to index the memorials of his state, and presumably to have them printed in the Minnesota State Bar Association Reports.

#### *North Carolina*

Miss Lucile Elliott, Librarian of North Carolina University Law School, says she will be responsible for indexing the Bench and Bar Memorials of their State and she thinks she can secure their printing.

#### *Pennsylvania*

Mrs. Klingelsmith, Librarian of the University of Pennsylvania Law School Library, will index the memorials as found in their State Reports.

This reduces the list quite materially, but there are a number of other states yet unindexed. If yours are already done we would suggest you do the memorials of a neighboring state.

I promise to index or at least collate the following: Canal Zone, Hawaii, Philippine Islands, and Porto Rico. I also find in the Bar Association Reports themselves many memorials of their members and I would like to do these *after* the memorials are cared for. So we report this as one of progress.

DR. G. E. WIRE

E. A. FEAZEL

A. J. SMALL

May 15, 1929.

### THE STUDENT ASSISTANT

BY ROWENA U. COMPTON

The notes originally written for the Round Table on this question were destroyed on the assumption that the discussion was purely informal. When requested to submit them as an outline for the stenographic notes taken during the meeting, it was necessary to write entirely new notes.

Information to be used as a basis of comparison of the problem in various libraries, was obtained by means of a questionnaire submitted to the librarians of the larger law school libraries. From the answers received the following points were developed.

The majority of the largest and most important law libraries reporting had either entirely done away with student assistants or had retained only one or two for minor work at night and on Sundays or holidays. Several librarians who had not been permitted to do away with student assistants stated, in no uncertain terms, that they considered them a bane and not a blessing and strongly recommended discontinuance of their employment, giving it as their experience that full-time assistants gave much more satisfactory service and at slightly additional cost. Mrs. Margaret Klingelsmith, Librarian of the Biddle Law Library, who has had many years of experience and whom we all recognize as an authority, says: "My most urgent suggestion is that student help be eliminated as far as possible. If you are to have good work done in the library it must be done by people who are interested in their work; who are in the library long enough to be thoroughly familiar with it, and who have been trained to take a keen interest in looking up matters for the student body, who, I think, should be assisted in their work, since to know where to look for the law, is really a profession in itself and cannot be acquired by a student in a few weeks in the library."

In libraries retaining student assistants the average number employed was three. The average number of hours worked per day was four hours. The pay ranged from twenty cents to one dollar per hour, in cash, while several libraries gave tuition amounting to two hundred to three hundred dollars per year in lieu of cash payment.



Qualifications on which appointments were based varied. Among those specified as in use, or desirable, were: "Chiefly a sense of honor and of responsibility. Good character, reliability as to keeping the hours specified. A proper manner in meeting the men who come to the desk."; "High scholarship"; "Need by student for financial help"; "Personality, general liking for books and book environment, not less than "C" average in grades"; "General fitness"; "Character, dependability, training in use of law books"; "Adaptability, faithfulness and unselfishness"; "Ability to meet people"; "Willingness to serve the public"; "Interest in work"; "Ability for work"; "Qualities fitting them for the position" (a little vague!); one library demanded "good manners and appearance"; another "Good students, good grades, good men"; two librarians demanded "Common sense"; two others, listing no special qualifications, said "we 'size up' the student when he applies" and "we try to select as best we can, try them out, and retain the best." The only requirement of several libraries was that the men should be second or third year students. This practice is wasteful in that familiarity with the library and its individual resources cannot be attained in a short time and this knowledge should be put to use for as many years as possible. The practice of another librarian is to take one man from each class each year thus having always two experienced men to carry over for use the next year. Libraries requiring their assistants to do legal reference work, of course, demanded more training than those requiring only routine duties. Several librarians either gave, or contemplated giving, to applicants, competitive examinations in legal research and bibliography. One large library employed only graduate students with high scholarship records, required that they have library experience and, in addition thereto, had taken a course in legal bibliography. The University of Michigan Law Library, which employs seven or more students, bases their appointments on "Willingness to work, fair scholarship record, knowledge of languages, pleasing personality, and *good* character." They take new men in their first year in the law school, give them routine work for the first two years, such as putting away books, checking charging cards, assisting catalogers in putting labels, plates, stamps, etc., in books, doing messenger service, etc. In time they become familiar with the catalogues and reference works. Not until the third year are they permitted to work at the reference desk and then only if they have shown marked ability.

Seven libraries reported the power of appointment, discipline and removal of assistants in the dean of the law school, with the librarian allowed to make recommendations, while all responsibility for satisfactory service rested on the librarian. In three others the dean appointed, without recommendation, and the librarian took the responsibility. In another the law faculty appointed and the librarian was responsible for performance. Two others reported appointment by librarian, with dean's approval, librarian being responsible. In only one did the dean share responsibility for service and in this case he also appointed. Eleven reported power of appointment, etc., as well as responsibility for satisfactory service in the librarian. It would seem that power of appointment should logically rest in the person responsible for performance.

Duties of student assistants, in the majority of cases, consisted in bringing books from stacks, charging them to students, checking them in and replacing

on shelves, messenger service, locking and unlocking building, and keeping order in reading room. Some libraries used student help for binding, mending, checking in periodicals as received, care of fines, care of catalogue, typing and stenographic work. About fifty per cent. entrusted them with some reference work. In most cases, where the compensation was lower, the students were allowed to study on the desk when not actually answering desk calls.

Seventeen librarians reported that students enforced library rules against fraternity brothers and professors without fear or favor. One said "some do", another "we have had no complaint on this score". Another "I think they do", another "very well", another "generally, against fraternity brothers; always find a certain reluctance to enforce rules against professors." Another "apparently so, however, we are not so strict with professors as with students." Another "absolutely, no fear or favor of anybody in power or out is thought of. It is understood in the library that absolute impartiality is enforced." Two, "generally speaking", another "I do not know". Three said "No" adding this as one of their objections to student help.

Twelve reported that students were trained by the librarian for their work. Eight reported no training. Six reported some slight instruction in the use of reference books.

To the writer, who supervises a library of only 20,000 books and who would not choose to, but who must use student help, the following plans seem most satisfactory.

The power of appointment, discipline and removal should be in the librarian if he has the responsibility for satisfactory service.

Appointments should be made from first, second, and third year classes each year to keep a trained senior assistant always available and to have only one new man at a time.

Appointments should be based on dependability, willingness and ability to give interested courteous service and a knowledge of the fundamentals of legal research and bibliography, to be ascertained by means of a competitive examination. Men needing financial assistance are always to be given preference if they are otherwise satisfactory. A fair scholarship record would be presumed of a man of this type. The majority of librarians demand high scholarship. Over-stressing high scholarship as a prerequisite of appointment seems a mistake, especially in libraries who can afford to pay only such small compensation that the student is allowed to study while at the desk unless actually answering calls. The man who is striving to lead his class is too often impatient of being interrupted, in the midst of briefing a case or studying a difficult point of law, to find material or to show another student how to find it; he is apt to be less painstaking in checking up charges, shelving books, etc., and will probably do little to encourage inquiries and stimulate interest in the use of law books. This sort of grudging service defeats the main purpose of the library. Again, ability to make high grades presupposes none of the other qualifications which are so necessary.

It was the consensus of opinion that in a library too small to afford assistants trained in library science the librarian should spend some part of each day at the desk. This is not only beneficial to the students but enables the librarian to keep in touch with student needs. When we spend several

thousand dollars a year buying the best treatises, indexes, digests, citators, legal periodicals, works on jurisprudence, legal history, criticism and philosophy, in addition to the statutes and reports, we should see that the students are instructed in their use and value. Since law is constantly being made they should be taught to use the reports of Judicial Councils, Bar Associations, Law Institutes, Crime Surveys, etc., and other tools by which they may keep abreast of current developments. Supplementing class instruction in legal research and bibliography now given in many schools is an added duty for law librarians. Only a person trained and experienced in both library methods and law can do these things satisfactorily. In larger libraries where the librarian's duties were too heavy to permit of any time being thus spent, it was almost unanimously agreed in the answers received that someone trained, if possible, in both law and library science should be available at all times, to encourage the students in making the fullest possible use of the library. The librarian of the University of Michigan Library answered this question as follows: "All depends on what you mean by "Librarian" which must vary in each institution. If your librarian is head of a large staff, he will have too many other duties of greater importance to "chase books". If by librarian you merely mean someone trained in library science, I should say yes—there should be someone of that sort at the desk part of the time, at least. *But*, unless such person has had a good sound legal education, he will be unable to do all the work. He is not qualified to do legal reference work, in the strict sense of the term. Our solution here has been to combine—to have a staff member, trained in library methods, on duty with a senior law student. The two, working together, can do a high grade of reference work. If I had to choose between the two, I should prefer the senior law student."

\* THE LAW LIBRARY CATALOG:  
SYSTEMATIZING ENTRIES WHERE STANDARD  
HEADINGS ARE INADEQUATE.

BY THOMAS S. DABAGH

Law librarians in libraries which use standard cataloging methods know that the filing of entries by title under certain headings in the card catalog creates great confusion. This is especially true in main entries for reports and statutes.

This problem was felt to be a serious one at the Law Library of the University of California (Miss Rosamond Parma, Librarian), and some five years ago a device for completely methodizing the entries was developed. The Law Library of Congress has also used the same device for some time, applying it to the entries of several large classes, especially to statutes on special subjects; and it is not unlikely that other libraries have hit upon a similar device.

As developed at the University of California, the device consists of the expansion in some cases of the standard author headings, and the use of the citation in the upper right corner of the card, the cards being filed by citation under each heading. In no case is the heading itself changed except by addition. The upper right corner is used for the citation in order to keep it clear of the heading proper.

\* A contributed article, not presented at a regular meeting of the Association.

## STATUTES

Statutes probably cause the most difficulty, because of the large number of entries under the single author heading.

It is suggested that in three instances the standard author heading in both main and added entries (which, incidentally, should be filed together) be expanded to throw the cards for certain material to the end of the file, leaving the principal heading for the laws themselves. The recommended additions are: (Bills), for bills, initiative and referendum measures, etc.; (Citators, etc.), to cover citators, tables, annotators, and abbreviations; and (Indexes), for indexes and digests. Example: New York (State) Law, statutes, etc. (Citators, etc.) This applies to general material only, as the cards for citators, etc., of a set or subject go with the cards for the set or subject.

The upper right corner of the card is used for identifying each item, and the cards are filed alphabetically by the words used, except that cards for session laws are left blank in that corner, or a date only is used, so that such cards will precede all others. The identifying words in the upper right corner give the form (such as: Codes; or, Codes, Civil procedure; or, Codes, Penal; or, Consolidated laws), or give the subject (such as: Banks; or, Corporations; or a name), or give the popular citation. In addition the main date of the item, and where necessary the imprint or other date, or the editor, or both, may also be given. Example: New York (State) Laws, statutes, etc. [and in upper right corner:] Consolidated laws, 1923, Cahill, 1929 supp.

## REPORTS, ETC.

First a word as to the author heading itself, both in main and added entries: Some libraries have seen fit to insert the word "Reports" between the name of the country, state, or city, and the name of the court, but it would seem that the standard heading is preferable, especially where Library of Congress printed cards are used, as they should be everywhere. A reference card under "*Place name. Reports, digests, etc.*", should be used to refer to the exact headings, however, whenever there is a large number of other subheadings.

Five expansions of the "*Place name. Court name*" standard headings are suggested, both as to main and added entries, to throw certain types of material to the end of the file, leaving the principal heading for reports. The additions are: (Citators, etc.) as in the case of statutes; (Digests, etc.) for digests and indexes; (Records, etc.) to cover such material as calendars and annual reports; (Rules); and (Transcripts, etc.) for briefs and transcripts on appeal. Example: New York (State) Court of appeals (Digest, etc.) This applies to general citators and digests only, of course, as the cards for those of a particular set would be filed with the cards for the set.

The best known citation name is given in the upper right corner of the card, and the cards are filed under each heading according to the citation. In this way the entries are completely systematized, except that sometimes a few miscellaneous items which will not fit into any group have to be filed alphabetically by title preceding the cards with citations. Examples: New York (State) Court of appeals.



[and in upper right corner:] Keyes, also: New York (State) Court of appeals,  
[and in upper right corner:] Silvernail.

# TEXTS AND TREATISES

The problem here is perhaps not so pressing, since it seldom happens that there are so many entries under an author's name that filing by full title creates confusion. However, there are such situations, and a satisfactory systematization of the entries can be secured by giving the citation, usually the key subject word, in the upper right corner of the card, together with the imprint date and editor where necessary. For example, under Tiedeman in many catalogs appear the titles, "The American law of real property", 1924, and "An elementary treatise on the American law of real property", 1892. If filed by full title, the 1892 edition will follow the 1924 edition, altho according to standard practice the later editions should follow the earlier; and another title, "Cases on real property", will come between these two, altho they should be together. By using appropriate citation words in the upper right corners of the cards for this author, and filing accordingly (e.g. "Real property, 1892", "Real property, 1924", and "Real property cases"), the problem will be effectually solved. All such problems of changed titles and meaningless preliminary words in titles can be solved by this method.

The use of this device will give every card in the catalog a logical and easily found place, and the resources of the library will be discoverable almost at a glance, where under present conditions in most law libraries it is necessary to finger thru a long file of cards before certain items can be located or can be regarded as definitely not in the collection.

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Frederick C. Hicks	1919-20 and 1920-21	New York
Gilson G. Glasier	1921-22	Wisconsin
Andrew H. Mettee	1922-23 and 1923-24	Maryland
Sumner Y. Wheeler	1924-25 and 1925-26	Massachusetts
John T. Fitzpatrick	1926-27 and 1927-28	New York
Frederick W. Schenk	1928-29 and 1929-30	Illinois

LIST OF VICE-PRESIDENTS

Andrew H. Mettee	1906-07 and 1907-08	Maryland
George S. Godard	1908-09	Connecticut
Miss Gertrude E. Woodard	1909-10	Michigan
Luther E. Hewitt	1910-11	Pennsylvania

Name	Year	State
Frederick W. Schenk	1911-12, 1912-13, 1913-14	Illinois
Miss Gertrude E. Woodard	1911-12	Michigan
Mrs. M. C. Klingelsmith	1912-13	Pennsylvania
O. J. Field	1913-14	Dist. of Columbia
C. Will Shaffer	1914-15 and 1915-16	Washington
Mrs. Maud B. Cobb	1914-15	Georgia
Miss Frances A. Davis	1915-16	Wyoming
J. P. Robertson	1916-17	Manitoba, Canada
Miss Mary K. Ray	1916-17	Nebraska
Edwin H. Gholson	1917-18	Ohio
Miss Susan A. Fleming	1917-18	Kentucky
John T. Fitzpatrick	1918-19	New York
Miss Agnes R. Wright	1918-19	Wyoming
Sumner Y. Wheeler	1919-20 and 1920-21	Massachusetts
Miss Mary K. Ray	1919-20 and 1920-21	Nebraska
Andrew H. Mettee	1921-22	Maryland
Mrs. Maud B. Cobb	1921-22	Georgia
Edwin H. Gholson	1922-23	Ohio
Mrs. W. F. Marshall	1922-23	Mississippi
Con P. Cronin	1923-24	Arizona
Miss Josephine Norval	1923-24	Minnesota
Ralph H. Wilkin	1924-25 and 1925-26	Illinois
Miss Olive C. Lathrop	1924-25	Michigan
W. J. Millard	1925-26	Washington
John J. Daley	1926-27 and 1927-28	Ontario, Canada
Mrs. W. F. Marshall	1926-27	Mississippi
Miss Alice M. Magee	1927-28 and 1928-29	Louisiana
Percy A. Hogan	1928-29	Missouri
S. D. Klapp	1929-30	Minnesota
Miss Helen S. Moylan	1929-30	Iowa

## LIST OF SECRETARIES

Franklin O. Poole	1906-07 to 1911-12	New York
Miss Gertrude E. Woodard	1912-13 to 1916-17	Michigan
Miss Elizabeth B. Steere	1917-18 and 1918-19	Michigan
Miss Agnes Wright	1919-20 and 1920-21*	Wyoming
Miss Mary S. Foote	(1920-21), 1921-22, 1922-23	Connecticut
Miss Robbie M. Leach	1923-24	Tennessee
Miss Mary S. Foote	1924-25†	Illinois
Miss Lucile Vernon	{ (1924-25), 1925-26 to 1928-29	New York
Mrs. Lucile Vernon Clark		New York
Arthur S. McDaniel	1929-30	New York

## LIST OF TREASURERS

Franklin O. Poole	1906-07 to 1910-11	New York
E. Lee Whitney	1911-12 to 1913-14	Vermont
Edward H. Redstone	1914-15 to 1916-17	Massachusetts
Mrs. Maud B. Cobb	1917-18	Georgia
Miss Anna M. Ryan	1918-19 to 1922-23	New York
Sumner Y. Wheeler	1923-24	Massachusetts
Miss Mary S. Foote	1924-25†	Illinois
Miss Lucile Vernon	{ (1924-25), 1925-26 to 1928-29	New York
Mrs. Lucile Vernon Clark		New York
Arthur S. McDaniel	1929-30	New York

## PLACES OF MEETING SINCE ORGANIZATION

1. July, 1906	Narragansett Pier	Rhode Island
2. May, 1907	Asheville	North Carolina
3. June, 1908	Lake Minnetonka	Minnesota
4. June, 1909	Bretton Woods	New Hampshire
5. June, 1910	Mackinac Island	Michigan
6. May, 1911	Pasadena	California
7. June, 1912	Ottawa	Canada

\* Resigned.

† Died Sept. 30, 1924.

NOTES Offices of Secretary and Treasurer were combined 1906-07 to 1910-11 and 1924-25 to date.

8. June, 1913	Hotel Kaaterskill	New York (Catskill Mts.)
9. May, 1914	Washington	District of Columbia
10. June, 1915	Berkeley	California
11. June, 1916	Asbury Park	New Jersey
12. June, 1917	Louisville	Kentucky
13. June, 1918	Saratoga Springs	New York
14. June, 1919	Asbury Park	New Jersey
15. June, 1920	Colorado Springs	Colorado
16. June, 1921	Swampscott	Massachusetts
17. June, 1922	Detroit	Michigan
18. April, 1923	Hot Springs	Arkansas
19. July, 1924	Saratoga Springs	New York
20. July, 1925	Seattle	Washington
21. Oct., 1926	Atlantic City	New Jersey
	Philadelphia	Pennsylvania
22. June 1927	Toronto	Canada
23. My.-Je. 1928	French Lick	Indiana
24. May, 1929	Washington	District of Columbia

## CONSTITUTION AND BY-LAWS OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES

### CONSTITUTION

Section 1. The name of this Association shall be American Association of Law Libraries.

Section 2. The object shall be to develop and increase the usefulness and efficiency of law libraries.

Section 3. There may be three classes of membership—regular, associate, and honorary.

Section 4. Any person officially connected with a law library, state library or with a general library having a separately maintained law section, may become a regular member upon payment of the annual dues.

Section 5. Persons not connected with law libraries may be elected to associate membership at the discretion of the executive committee.

Section 6. The Association may at any regular meeting, by a vote of two-thirds of those present, elect honorary members who shall be exempt from dues.

Section 7. The right of holding office and voting shall be restricted to regular members.

Section 8. In all matters of business each regular member shall be entitled to one vote.

Section 9. The officers shall consist of a president, a vice-president, a second vice-president, a secretary and a treasurer, all of whom shall be elected by ballot at the annual meeting, and serve until their successors are appointed.

Section 10. There shall be an Executive Committee of nine consisting of three members who shall be elected at the annual meeting and serve until their successors are appointed, the last retired President, and the officers mentioned in Section 9. The Committee may act officially by correspondence addressed to the secretary.

Section 11. Vacancies through non-acceptance, resignation or death shall be filled by the executive committee.

Section 12. The duties of these several officers shall be those ordinarily assigned to said officers in similar associations. Expenditures not authorized by the Association may be made only with the approval of the executive committee.

Section 13. An annual meeting of the Association shall be held at the same time and place as the annual meeting of the American Library Association, unless there are special reasons for holding it elsewhere; and in that event the call for the meeting shall be issued in the same manner as provided in Section 14 for special meetings.

Section 14. Special meetings may be held at such times and places as the Executive Committee may elect or the association direct.

Section 15. Any by-law may be repealed, amended or suspended by a three-fourths vote of those present and voting at any meeting of the Association.

Section 16. This constitution may be amended in the manner herein provided. Notice of any amendment shall be filed with the secretary at least sixty days before a regular meeting of the Association, and notice thereof shall be sent by the secretary to the members of the Association at least thirty days prior to said meeting. Such amendments shall be submitted at an annual meeting of the Association, and any member not present thereat may file his vote thereon with the secretary and the same shall be counted as though he were present and voting. If three-quarters of the votes of the members present and voting at such meeting, and of the votes filed as above provided, be in favor of such amendment, it shall stand adopted.

## BY-LAWS

Section 1. The annual dues of regular and associate members, except library assistants, shall be \$3.00, and each member shall receive the Law Library Journal as a part of said membership. The year for dues shall begin on July 1st in each and every year. In billing annual dues to regular and associate members,

except library assistants, the Treasurer shall, however, send a bill making it optional with the member whether he shall pay \$3.00 or \$5.00 for the year. The dues of library assistants shall be \$2.00 per year.

Section 2. Members failing to pay dues for two successive years shall be dropped from membership.



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Revised to January 15, 1930

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